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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/560,507  | 05/22/2006  | Daniel Korb          | 3591/1592           | 5659             |
| 757 7590 01/22/2009<br>BRINKS HOFER GILSON & LIONE<br>P.O. BOX 10395<br>CHICAGO, IL 60610 |             |                      |                     |                  |
| EXAMINER<br>WILKENS, JANET MARIE  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3637  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 01/22/2009  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/560,507

**Applicant(s)**

KORB, DANIEL

**Examiner**

Janet M. Wilkens

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6, 7, 14 and 19-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 14 is/are allowed.  
6) ☒ Claim(s) 6, 7, 19-22 and 24-27 is/are rejected.  
7) ☒ Claim(s) 23 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 12/13/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 22, 2008 has been entered.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 4.1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 6, "the inserts" (plural-last line) lacks antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-22 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal (4,011,821) in view of D'Estrube (3,266,840). Neal teaches a piece of furniture, comprising: a table (12); a leg (16); a socket member with four edges (20; see Fig. 3); and a plastic mounting component (28) snap-fit/received in the socket member. For claim 19, Neal fails to teach a pin on the leg and a mating helical segment(s) in the mounting component. D'Estrube teaches a pin (43) extending radially outward on opposite sides of a post (42) and having a cylinder/mounting component (Fig. 5) which includes a pair of opposed axial slots (between 40,37) receiving portions of said pin extending radially from the post, wherein the pin is moveable in the slots, such that the post is axially moveable relative to the mounting component, wherein the mounting

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component further comprises a helical engagement member (35,38) drawing the post into it. Because the pin has to fit within an outer cylinder (23), it inherently does not extend beyond the outer portion of the mounting component. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the leg/mounting component of Neal by adding a pin on the end of the leg and mating slots/helical segments in the mounting component, such as is taught by D'Estrube, to provide a connection means between the leg/mounting component to securely mount the leg to the table, socket member and mounting component; the pin connection making it more difficult to accidentally remove the leg from the rest of the assembly.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neal (4,011,821) in view of D'Estrube (3,266,840) as applied to claims 19-22 and 25-27 above, and further in view of Seelinger (586,276). As stated above, Neal in view of D'Estrube teaches the limitations of claim 19, including a socket, insert and leg interconnection. For claim 24, Neal in view of D'Estrube fails to teach that the socket and leg are angled with respect to the table. Seelinger teaches sockets and legs angled with respect to a table (see Fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the socket/insert/leg angle of Neal in view of D'Estrube by angling the openings and leg positioning outwardly, such as is taught by Seelinger, to provide a more stable table support.

***Allowable Subject Matter***

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 is allowed.

Claim 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's argument filed October 22, 2008 concerning the differences between the mounting component of Manzel and that of the claimed invention (page 8, first full paragraph in the arguments section), i.e. that by having the additional slot/socket part as part of the pin/receiver of Mandel, this connection means would work differently than that of the connection means claimed and would not be obvious to add between the leg and receiver of Neal, has been fully considered and is persuasive. However, the examiner still contends that having a pin/slot mounting component incorporated in/between the leg and receiver of Neal would have been an obvious consideration to one having ordinary skill in the art (using slots and pins such as is shown by D'Estrube). First, the examiner contends that Neal does not teach away from adding an additional connection

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means between its leg and receiver, e.g. there is no statement to such in the specification or structural obstacles preventing an additional connection means between the members. Second, the motivation for adding a pin on the end of the leg and mating helical segments in the mounting component of Neal being to provide a connection means between the leg/mounting component to securely mount the leg to the table, making it more difficult to accidentally remove the leg from the rest of the assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janet M. Wilkens/  
Primary Examiner, Art Unit 3637

Wilkens  
January 18, 2009